

# EXHIBIT 15

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Case No. 4:11-cv-00864 JAR

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VIDEOTAPE DEPOSITION OF: PAUL V. ROSASCO  
February 27, 2014

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ASARCO LLC,

Plaintiff,

v.

NL INDUSTRIES, INC., et al.,

Defendants.

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PURSUANT TO NOTICE, the videotape deposition of PAUL V. ROSASCO was taken on behalf of the Defendant, Union Pacific Railroad Company, at 1801 California Street, Suite 4900, Denver, Colorado 80202, on February 27, 2014 at 9:07 a.m., before Tracy R. Doland, Certified Realtime Reporter, Registered Professional Reporter and Notary Public within Colorado.

10:30:28 1 Q. Madison County/Catherine Mine as A or 1.  
10:30:34 2 B, Big River Federal Mine Tailings in St. Francois or  
10:30:41 3 Francois County. C, West Fork Mine. D, Sweetwater  
10:30:44 4 Mine and E, Glover Smelter. Do you see that?

10:30:51 5 A. Yes.

10:30:52 6 Q. Did I read that correctly?

10:30:53 7 A. Yes.

10:30:54 8 Q. You did not address in your expert  
10:31:02 9 report West Fork Mine, Sweetwater Mine or Glover  
10:31:06 10 Smelter; is that correct?

10:31:07 11 A. Yes.

10:31:07 12 Q. Your report is limited to Madison County  
10:31:12 13 Katherine Mine and Big River Federal Mine Tailings,  
10:31:17 14 correct?

10:31:17 15 A. Yes.

10:31:18 16 Q. So you addressed two of the subsites, is  
10:31:23 17 that your understanding?

10:31:23 18 A. Yes.

10:31:24 19 Q. And do you have -- I believe your  
10:31:27 20 testimony earlier was, but please correct me if I  
10:31:33 21 mischaracterize, do you have an understanding as to  
10:31:35 22 why you were asked to only address two sites in the  
10:31:40 23 SEMO sites?

10:31:41 24 MR. EVANS: Object, work product. Calls  
10:31:43 25 for speculation. Object to the form of the question.

10:31:46 1 MS. McINTOSH: I asked him if he has an  
10:31:49 2 understanding. That doesn't call for speculation.

10:31:51 3 MR. EVANS: I'm not going to engage in  
10:31:53 4 colloquy. I've made my objection, please proceed.

10:31:56 5 A. I don't have an understanding. My  
10:31:57 6 specific scope was to address the two subsites that  
10:32:02 7 you listed.

10:32:02 8 Q. (BY MS. McINTOSH) So do you have any  
10:32:04 9 opinions as to West Fork Mine, Sweetwater Mine or  
10:32:11 10 Glover Smelter?

10:32:12 11 A. No.

10:32:55 12 (Deposition Exhibit 35 was marked.)

10:32:56 13 Q. Mr. Rosasco, I've just had marked and  
10:32:57 14 handed to you Exhibit 35.

10:33:06 15 A. Yes.

10:33:06 16 Q. Have you seen that document before?

10:33:08 17 A. Yes.

10:33:08 18 Q. And could you describe it for the  
10:33:11 19 record, please?

10:33:12 20 A. This is the settlement agreement  
10:33:15 21 regarding SEMO sites that was filed in the United  
10:33:20 22 States Bankruptcy Court in the Southern District of  
10:33:22 23 Texas Corpus Christi Division in 2008.

10:33:25 24 Q. What is your understanding of this  
10:33:26 25 document?

10:35:12 1 Q. I direct your attention to the first  
10:35:17 2 whereas clause of Deposition Exhibit 35 on page 1.  
10:35:22 3 Again, defining the southeastern Missouri sites  
10:35:27 4 consisting of the Big River, Big River Mine Tailings,  
10:35:32 5 St. Joe Mineral Corporation site, the Federal Mine  
10:35:35 6 Tailings site, the Madison County Mine site, the West  
10:35:40 7 Fork Mine Mill property, the Sweetwater Mine Mill  
10:35:42 8 property and the Glover Smelter property, do you see  
10:35:45 9 that?

10:35:46 10 A. Yes.

10:35:46 11 Q. Did I read that correctly?

10:35:47 12 MR. EVANS: Not reasonably calculated.  
10:35:49 13 Object to the form.

10:35:51 14 A. Yes.

10:35:51 15 Q. (BY MS. McINTOSH) So, again, the  
10:35:57 16 settlement for the southeastern Missouri sites, or  
10:36:02 17 SEMO sites, include three site areas or three site  
10:36:07 18 properties that you did not address in your expert  
10:36:11 19 report; is that correct?

10:36:11 20 A. That is correct.

10:36:12 21 Q. You indicated that you visited the site  
10:36:33 22 with Mr. Ellis. What portions of the site did you  
10:36:37 23 visit? Strike that.

10:36:41 24 In your prior testimony you indicated  
10:36:45 25 that you visited the site with Mike Ellis. Did you

11:24:12 1 southeast Missouri area, but they had no details about  
11:24:15 2 the railroad lines in that area. Those are what I can  
11:24:24 3 recall right now.

11:24:25 4 **Q. Did you formulate any opinions that were**  
11:24:31 5 **rejected by Asarco or its counsel?**

11:24:33 6 MR. EVANS: Objection, compound. Vague  
11:24:35 7 and ambiguous. Work product.

11:24:40 8 A. No.

11:24:42 9 **Q. (BY MS. McINTOSH) Are you providing any**  
11:24:43 10 **legal opinions?**

11:24:44 11 A. No.

11:24:46 12 **Q. Did you determine whether Union Pacific**  
11:25:14 13 **or any predecessors to Union Pacific owned or operated**  
11:25:18 14 **railroads at West Fork Mine, Sweetwater Mine or Glover**  
11:25:24 15 **Smelter SEMO sites?**

11:25:25 16 MR. EVANS: Objection, compound,  
11:25:27 17 complex, vague, ambiguous. Object to form.

11:25:29 18 A. No.

11:25:30 19 **Q. (BY MS. McINTOSH) In your opinion, what**  
11:25:36 20 **entities or railroads are Union Pacific predecessors**  
11:25:42 21 **within the SEMO sites in St. Francois and Madison**  
11:25:46 22 **Counties?**

11:25:46 23 MR. EVANS: Objection, compound.

11:25:47 24 A. Could you read the question back to me?

11:25:53 25 **Q. (BY MS. McINTOSH) In your opinion, what**

04:15:11 1 form.

04:15:11 2 A. I believe based on my inspections that  
04:15:17 3 chat is eroded from the former Belmont line where it  
04:15:22 4 crosses City Lake and that there was erosion of  
04:15:27 5 tailings into City Lake. Beyond that, I don't have  
04:15:36 6 any specific --

04:15:39 7 MR. EVANS: Please mark the page.

04:15:41 8 **Q. (BY MS. McINTOSH) Do you have an**  
04:15:42 9 **understanding as to whether that location is within**  
04:15:45 10 **the Catherine Mine site?**

04:15:50 11 A. No, I don't recall right now as I sit  
04:15:54 12 here.

04:15:57 13 MR. EVANS: We've been going over an  
04:16:00 14 hour, so let's take five minutes if we can.

04:16:03 15 MS. McINTOSH: Fine.

04:16:05 16 THE VIDEOGRAPHER: Going off the record.  
04:16:08 17 The time is 4:16 p.m.

04:16:13 18 (Recess taken, 4:16 p.m. to 4:26 p.m.)

04:25:33 19 THE VIDEOGRAPHER: We are back on the  
04:26:21 20 record. The time is 4:26 p.m.

04:26:26 21 **Q. (BY MS. McINTOSH) Mr. Rosasco, are you**  
04:26:27 22 **aware of any location where Asarco funds are being**  
04:26:33 23 **used to remediate Union Pacific right-of-way?**

04:26:38 24 MR. EVANS: Object to the question as  
04:26:39 25 calling for a legal conclusion, vague, ambiguous.

04:26:46 1 Object to the form of the question.

04:26:47 2 A. I'm not aware that any remediation of  
04:26:55 3 Union Pacific right-of-way is being performed at this  
04:26:57 4 time.

04:26:57 5 Q. (BY MS. McINTOSH) Are you -- so the  
04:27:00 6 answer to my question was no?

04:27:02 7 A. The answer would be no, yes.

04:27:06 8 Q. Are you aware of any area off Union  
04:27:10 9 Pacific right-of-way that you would attribute to Union  
04:27:14 10 Pacific right-of-way where Asarco funds are being used  
04:27:17 11 to remediate that location?

04:27:19 12 MR. EVANS: Objection, vague, ambiguous.  
04:27:23 13 Object to form.

04:27:23 14 A. Response actions have been taken by EPA  
04:27:35 15 in the state to address service water and sediment in  
04:27:41 16 terms of investigations and other actions of which all  
04:27:45 17 of the sources, including the UP rail line ballast,  
04:27:50 18 would be a contributor. But I have not looked at the  
04:27:54 19 specific derivation of funds associated with those.

04:27:59 20 MR. EVANS: Mark the page, please.

04:28:02 21 Q. (BY MS. McINTOSH) So do you have an  
04:28:03 22 opinion to a reasonable degree of scientific certainty  
04:28:07 23 whether there is any location attributable to Union  
04:28:13 24 Pacific right-of-way where Asarco funds are being used  
04:28:16 25 for remediation purposes?



04:28:18 1 MR. EVANS: Object to the question as to  
04:28:21 2 being improper in form. Vague, ambiguous and  
04:28:26 3 misstating prior testimony or mischaracterizing prior  
04:28:30 4 testimony.

04:28:31 5 A. Currently being used, no.

04:29:06 6 MS. McINTOSH: I apologize for doing  
04:29:07 7 this since we just took a break, but I may be done, so  
04:29:15 8 give me just a few minutes and we'll either determine  
04:29:19 9 that I'm done subject to a couple of questions that we  
04:29:27 10 can do off the record regarding documents, so let's  
04:29:32 11 take a break.

04:29:34 12 Q. (BY MS. McINTOSH) Mr. Rosasco, you  
04:29:36 13 indicated that you had notes. Actually, let's stay on  
04:29:43 14 the record for a moment. You indicated in prior  
04:29:45 15 testimony that you took notes during your visit  
04:29:47 16 in -- on December 3 to the site; is that correct?

04:29:52 17 A. I believe that was for my photo log,  
04:29:55 18 which should have been provided to you.

04:29:57 19 Q. And it's your understanding that your  
04:30:00 20 photo log was, in fact, produced to us?

04:30:03 21 A. Should have been on the CD that was  
04:30:05 22 provided.

04:30:05 23 Q. Would you be willing, off the record, to  
04:30:08 24 flip through the documents, we've printed them out, to  
04:30:11 25 identify whether your notes are included? Because we

1 I, PAUL V. ROSASCO, do hereby certify  
2 that I have read the above and foregoing deposition  
3 and that the same is a true and accurate transcription  
4 of my testimony, except for attached amendments, if  
5 any.

6 Amendments attached ( ) Yes ( ) No

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\_\_\_\_\_  
PAUL V. ROSASCO

10

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12 The signature above of PAUL V. ROSASCO  
13 was subscribed and sworn to before me in the county of  
14 \_\_\_\_\_, state of \_\_\_\_\_,  
15 this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

16

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\_\_\_\_\_  
Notary Public  
My Commission expires:

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25 Asarco LLC, 2/27/14 (td)

# REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

I, TRACY R. DOLAND, Certified Realtime Reporter, Registered Professional Reporter and Notary Public ID 19924009337, State of Colorado, do hereby certify that previous to the commencement of the examination, the said PAUL V. ROSASCO was duly sworn by me to testify to the truth in relation to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my  
signature this 11th day of March, 2014.

My commission expires June 12, 2016.

Tracy R. Doland  
Certified Realtime Reporter  
Registered Professional Reporter

X Reading and Signing was requested.

\_\_\_\_\_ Reading and Signing was waived.

\_\_\_\_ Reading and Signing is not required.